



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of July 10, 2017

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#17-207 Gerard v. Orange Coast Memorial Medical Center, S241655. (G048039; 9 Cal.App.5th 1204; Orange County Superior Court; 30-2008-00096591.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issues: (1) Did Senate Bill 327 constitute a change in the law or a clarification in the law? (2) Is the Industrial Wage Commission Wage Order No. 5, section 11(D) partially invalid to the extent it authorizes health care workers to waive their second meal periods on shifts exceeding 12 hours? (3) To what extent, if any, does the language of Labor Code section 516 regarding the “health and welfare of those workers” affect the analysis?

#17-208 People v. Mendoza, S241647. (H039705; 10 Cal.App.5th 327; Santa Clara County Superior Court; 212506, C1114503.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense. The court limited review to the following issue: Are the provisions of Proposition 57 that eliminated the direct filing of certain juvenile cases in adult court applicable to cases not yet final on appeal?

#17-209 Voris v. Lampert, S241812. (B265747; nonpublished opinion; Los Angeles County Superior Court; BC408562.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Is conversion of earned but unpaid wages a valid cause of action?

#17-210 People v. Blanco, S241800. (D070069; nonpublished opinion; San Diego County Superior Court; SCD262535.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#17-211 *People v. Ford*, S241984. (D070689; nonpublished opinion; San Diego County Superior Court; SCD265485.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Blanco* and *Ford* deferred pending decision in *People v. Ruiz*, S235556 (#16-312), which presents the following issue: May a trial court properly impose a criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)) and a drug program fee (Health & Saf. Code, § 11372.7, subd. (a)) based on a defendant's conviction for conspiracy to commit certain drug offenses?

#17-212 *People v. Bryant*, S242135. (C078629; nonpublished opinion; Placer County Superior Court; 62093490A.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence.

#17-213 *People v. Hampton*, S242223. (C081875; nonpublished opinion; San Joaquin County Superior Court; SF076291B.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-214 *People v. Thornton*, S242377. (F071626; nonpublished opinion; Fresno County Superior Court; F14902504.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-215 *People v. Watts*, S242171. (C080689; nonpublished opinion; Amador County Superior Court; 15HC01740.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus.

The court ordered briefing in *Bryant*, *Hampton*, *Thornton*, and *Watts* deferred pending decision in *People v. Valenzuela*, S232900 (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

#17-216 *In re Eric F.*, S242280. (A146121; nonpublished opinion; Contra Costa County Superior Court; J1400583.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence.

#17-217 *In re T.T.*, S242258. (A146294; nonpublished opinion; Contra Costa County Superior Court; J1400722.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence.

The court ordered briefing in *Eric F.* and *T.T.* deferred pending decision in *In re C.B.*, S237801 (#16-384), and *In re C.H.*, S237762 (#16-395), which present the following

issues: Did the trial court err by refusing to order the expungement of juvenile's DNA record after his qualifying felony conviction was reduced to a misdemeanor under Proposition 47 (Pen. Code § 1170.18)? Does the retention of juvenile's DNA sample violate equal protection because a person who committed the same offense after Proposition 47 was enacted would be under no obligation to provide a DNA sample?

#17-218 *In re Jose A.*, S242340. (D070276; nonpublished opinion; San Diego County Superior Court; J236748.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding.

#17-219 *People v. Lopez*, S242188. (H043659; nonpublished opinion; Santa Clara County Superior Court; C1527682.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#17-220 *In re Xavier C.*, S241605. (D069984, D070538; nonpublished opinion; San Diego County Superior Court; J236335.) Petition for review after the Court of Appeal affirmed in part and reversed in part orders in a juvenile wardship proceeding.

The court ordered briefing in *Jose A.*, *Lopez*, and *Xavier C.* deferred pending decision in *In re Ricardo P.*, S230923 (#16-41), which presents the following issue: Did the trial court err imposing an “electronics search condition” on minor as a condition of his probation when it had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate his supervision?

#17-221 *In re London*, S242373. (A147314; nonpublished opinion; San Francisco County Superior Court; 6999, 92091.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Butler*, S237014 (#16-394), which presents the following issue: Should the Board of Parole Hearings be relieved of its obligations arising from a 2013 settlement to continue calculating base terms for life prisoners and to promulgate regulations for doing so in light of the 2016 statutory reforms to the parole suitability and release date scheme for life prisoners, which now mandate release on parole upon a finding of parole suitability?

#17-222 *People v. McGhee*, S241552. (B265136; nonpublished opinion; Los Angeles County Superior Court; PA071844.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mateo*, S232674 (#16-147), which presents the following issue: In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the

target offense? In other words, should *People v. Favor* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) ___ U.S. ___ [113 S.Ct. 2151] and *People v. Chiu* (2014) 59 Cal.4th 155?

#17-223 *In re Priscilla A.*, S241995. (B276745; 11 Cal.App.5th 551; Los Angeles County Superior Court; DK15337.) Petition for review after the Court of Appeal reversed orders in a juvenile dependency proceeding. The court ordered briefing deferred pending decision in *In re R.T.*, S226416 (#15-92), which presents the following issue: Does Welfare and Institutions Code section 300, subdivision (b)(1), authorize dependency jurisdiction without a finding that parental fault or neglect is responsible for the failure or inability to supervise or protect the child?

#17-224 *People v. Rees*, S242315. (H043415; nonpublished opinion; Santa Cruz County Superior Court; F24434.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Page*, S230793 (#16-28), which presents the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

#17-225 *People v. Vela*, S242298. (G052282; 11 Cal.App.5th 68; Orange County Superior Court; 10CF0100.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mendoza*, S241647 (#17-208), which presents the following issue: Are the provisions of Proposition 57 that eliminated the direct filing of certain juvenile cases in adult court applicable to cases not yet final on appeal?

STATUS

#17-83 *Wilson v. Cable News Network, Inc.*, S239686. The court directed briefing in this case, in which briefing was previously deferred pending decision in *Park v. Board of Trustees of California State University* (2017) 2 Cal.5th 1057. This case presents the following issue: In deciding whether an employee’s claims for discrimination, retaliation, wrongful termination, and defamation arise from protected activity for purposes of a special motion to strike (Code of Civ. Proc., § 425.16), what is the relevance of an allegation that the employer acted with a discriminatory or retaliatory motive?

#17-147 *Daniel v. Wayans*, S240704. In this case, in which briefing was previously deferred pending decision in *Park v. Board of Trustees of California State University* (2017) 2 Cal.5th 1057, the court ordered briefing deferred pending decision in *Wilson v.*

Cable News Network, Inc., S239686 (#17-83), which presents the following issue: In deciding whether an employee's claims for discrimination, retaliation, wrongful termination, and defamation arise from protected activity for purposes of a special motion to strike (Code of Civ. Proc., § 425.16), what is the relevance of an allegation that the employer acted with a discriminatory or retaliatory motive?

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.